

111TH CONGRESS
1ST SESSION

S. 1102

To provide benefits to domestic partners of Federal employees.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2009

Mr. LIEBERMAN (for himself and Ms. COLLINS) introduced the following bill;
which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide benefits to domestic partners of Federal
employees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Domestic Partnership
5 Benefits and Obligations Act of 2009”.

6 **SEC. 2. BENEFITS TO DOMESTIC PARTNERS OF FEDERAL**
7 **EMPLOYEES.**

8 (a) IN GENERAL.—An employee who has a domestic
9 partner and the domestic partner of the employee shall
10 be entitled to benefits available to, and shall be subject

1 to obligations imposed upon, a married employee and the
2 spouse of the employee.

3 (b) CERTIFICATION OF ELIGIBILITY.—In order to ob-
4 tain benefits and assume obligations under this Act, an
5 employee shall file an affidavit of eligibility for benefits
6 and obligations with the Office of Personnel Management
7 identifying the domestic partner of the employee and certi-
8 fying that the employee and the domestic partner of the
9 employee—

10 (1) are each other's sole domestic partner and
11 intend to remain so indefinitely;

12 (2) have a common residence, and intend to
13 continue the arrangement;

14 (3) are at least 18 years of age and mentally
15 competent to consent to contract;

16 (4) share responsibility for a significant meas-
17 ure of each other's common welfare and financial ob-
18 ligations;

19 (5) are not married to or domestic partners
20 with anyone else;

21 (6) are same sex domestic partners, and not re-
22 lated in a way that, if the 2 were of opposite sex,
23 would prohibit legal marriage in the State in which
24 they reside; and

1 (7) understand that willful falsification of infor-
2 mation within the affidavit may lead to disciplinary
3 action and the recovery of the cost of benefits re-
4 ceived related to such falsification and may con-
5 stitute a criminal violation.

6 (c) DISSOLUTION OF PARTNERSHIP.—

7 (1) IN GENERAL.—An employee or domestic
8 partner of an employee who obtains benefits under
9 this Act shall file a statement of dissolution of the
10 domestic partnership with the Office of Personnel
11 Management not later than 30 days after the death
12 of the employee or the domestic partner or the date
13 of dissolution of the domestic partnership.

14 (2) DEATH OF EMPLOYEE.—In a case in which
15 an employee dies, the domestic partner of the em-
16 ployee at the time of death shall receive under this
17 Act such benefits as would be received by the widow
18 or widower of an employee.

19 (3) OTHER DISSOLUTION OF PARTNERSHIP.—

20 (A) IN GENERAL.—In a case in which a
21 domestic partnership dissolves by a method
22 other than death of the employee or domestic
23 partner of the employee, any benefits received
24 by the domestic partner as a result of this Act
25 shall terminate.

1 (B) EXCEPTION.—In a case in which a do-
 2 mestic partnership dissolves by a method other
 3 than death of the employee or domestic partner
 4 of the employee, the former domestic partner of
 5 the employee shall be entitled to benefits avail-
 6 able to, and shall be subject to obligations im-
 7 posed upon, a former spouse.

8 (d) STEPCHILDREN.—For purposes of affording ben-
 9 efits under this Act, any natural or adopted child of a do-
 10 mestic partner of an employee shall be deemed a stepchild
 11 of the employee.

12 (e) CONFIDENTIALITY.—Any information submitted
 13 to the Office of Personnel Management under subsection
 14 (b) shall be used solely for the purpose of certifying an
 15 individual's eligibility for benefits under subsection (a).

16 (f) REGULATIONS AND ORDERS.—

17 (1) OFFICE OF PERSONNEL MANAGEMENT.—
 18 Not later than 6 months after the date of enactment
 19 of this Act, the Office of Personnel Management
 20 shall promulgate regulations to implement section 2
 21 (b) and (c).

22 (2) OTHER EXECUTIVE BRANCH REGULA-
 23 TIONS.—Not later than 6 months after the date of
 24 enactment of this Act, the President or designees of
 25 the President shall promulgate regulations to imple-

1 ment this Act with respect to benefits and obliga-
2 tions administered by agencies or other entities of
3 the executive branch.

4 (3) OTHER REGULATIONS AND ORDERS.—Not
5 later than 6 months after the date of enactment of
6 this Act, each agency or other entity or official not
7 within the executive branch that administers a pro-
8 gram providing benefits or imposing obligations shall
9 promulgate regulations or orders to implement this
10 Act with respect to the program.

11 (4) PROCEDURE.—Regulations and orders re-
12 quired under this subsection shall be promulgated
13 after notice to interested persons and an opportunity
14 for comment.

15 (g) DEFINITIONS.—In this Act:

16 (1) BENEFITS.—The term “benefits” means—

17 (A) health insurance and enhanced dental
18 and vision benefits, as provided under chapters
19 89, 89A, and 89B of title 5, United States
20 Code;

21 (B) retirement and disability benefits and
22 plans, as provided under—

23 (i) chapters 83 and 84 of title 5,
24 United States Code;

1 (ii) chapter 8 of the Foreign Service
2 Act of 1980 (22 U.S.C. 4041 et seq.); and

3 (iii) the Central Intelligence Agency
4 Retirement Act of 1964 for Certain Em-
5 ployees (50 U.S.C. chapter 38);

6 (C) family, medical, and emergency leave,
7 as provided under—

8 (i) subchapters III, IV, and V of
9 chapter 63 of title 5, United States Code;

10 (ii) the Family and Medical Leave Act
11 of 1993 (29 U.S.C. 2601 et seq.), insofar
12 as that Act applies to the Government Ac-
13 countability Office and the Library of Con-
14 gress;

15 (iii) section 202 of the Congressional
16 Accountability Act of 1995 (2 U.S.C.
17 1312); and

18 (iv) section 412 of title 3, United
19 States Code;

20 (D) Federal group life insurance, as pro-
21 vided under chapter 87 of title 5, United States
22 Code;

23 (E) long-term care insurance, as provided
24 under chapter 90 of title 5, United States Code;

1 (F) compensation for work injuries, as pro-
2 vided under chapter 81 of title 5, United States
3 Code;

4 (G) benefits for disability, death, or cap-
5 tivity, as provided under—

6 (i) sections 5569 and 5570 of title 5,
7 United States Code;

8 (ii) section 413 of the Foreign Service
9 Act of 1980 (22 U.S.C. 3973); and

10 (iii) part L of title I of the Omnibus
11 Crime Control and Safe Streets Act of
12 1968 (42 U.S.C. 3796 et seq.), insofar as
13 that part applies to any employee;

14 (H) travel, transportation, and related pay-
15 ments and benefits, as provided under—

16 (i) chapter 57 of title 5, United States
17 Code;

18 (ii) chapter 9 of the Foreign Service
19 Act of 1980 (22 U.S.C. 4081 et seq.); and

20 (iii) section 1599b of title 10, United
21 States Code; and

22 (I) any other benefit similar to a benefit
23 described under subparagraphs (A) through (H)
24 provided by or on behalf of the United States
25 to any employee.

1 (2) DOMESTIC PARTNER.—The term “domestic
2 partner” means an adult unmarried person living
3 with another adult unmarried person of the same
4 sex in a committed, intimate relationship.

5 (3) EMPLOYEE.—The term “employee”—

6 (A) means an officer or employee of the
7 United States or of any department, agency, or
8 other entity of the United States, including the
9 President of the United States, the Vice Presi-
10 dent of the United States, a Member of Con-
11 gress, or a Federal judge; and

12 (B) shall not include a member of the uni-
13 formed services.

14 (4) OBLIGATIONS.—The term “obligations”
15 means any duties or responsibilities with respect to
16 Federal employment that would be incurred by a
17 married employee or by the spouse of an employee.

18 (5) UNIFORMED SERVICES.—The term “uni-
19 formed services” has the meaning given under sec-
20 tion 2101(3) of title 5, United States Code.

21 **SEC. 3. EFFECTIVE DATE.**

22 This Act shall—

23 (1) with respect to the provision of benefits and
24 obligations, take effect 6 months after the date of
25 enactment of this Act; and

1 (2) apply to any individual who is employed as
2 an employee on or after the date of enactment of
3 this Act.

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